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18 NOAH VERMILLION,  
19 v.  
20 JUUL LABS, INC.,  
21 Defendant.

22 CASE NO. 4:19-cv-05286-DMR

23 **STIPULATION AND [PROPOSED] ORDER  
24 TO STAY PROCEEDINGS PENDING JPML  
25 RULING**

26 Hon. Donna M. Ryu

27 Action Filed: August 23, 2019  
28 Trial Date: None Set

## **STIPULATION**

Pursuant to Civil Local Rule 7-12, Plaintiff Noah Vermillion and Defendant JUUL Labs, Inc. (“JLI”) (collectively, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on July 29, 2019, JLI moved the Judicial Panel on Multidistrict Litigation (“JPML”) for an order transferring numerous cases presenting common questions of fact and law in several federal district courts across the country in which JLI is a defendant, and any subsequently filed tag-along cases, to the U.S. District Court for the Northern District of California for coordination or consolidation (the “MDL Motion,” MDL No. 2913, Dkt. 1);

WHEREAS, on August 23, 2019, Plaintiff filed the Complaint in this action (Dkt. 1), which includes factual allegations and legal claims that are substantially similar to those asserted in more than 20 cases identified in the MDL Motion and subsequent tag-along notices;

WHEREAS, Plaintiff served the Complaint on JLI on August 29, 2019;

WHEREAS, the JPML has set September 26, 2019 as the hearing date for the MDL Motion (MDL No. 2913, Dkt. 23);

WHEREAS, the JPML's ruling on the MDL Motion may result in the transfer of this action to another judge within this district or another judicial district for coordinated and/or consolidated pre-trial proceedings;

WHEREAS, the Parties believe that it would conserve the resources of the Court and the Parties to postpone further litigation of this case, including further pleading practice, until the JPML rules on the pending MDL Motion:

WHEREAS, this action is in its infancy and there has been no responsive pleading or discovery;

WHEREAS, the requested stay, if granted, would not result in prejudice to any party, and would be in effect only until the JPML issues its decision;

NOW THEREFORE, the Parties, through their undersigned counsel, hereby stipulate, agree, and respectfully request that the Court enter an Order establishing the following:

1. All proceedings and deadlines, including but not limited to the requirement for  
2 JLI to move to dismiss, answer, or otherwise respond to the Complaint, shall be STAYED in this  
3 action pending further order of the court following the decision of the JPML on the pending  
4 Motion to Transfer Related Cases for Consolidated Pretrial Proceedings (MDL No. 2913,  
5 Dkt. 1); and

6. 2. In the event the JPML does not transfer this case pursuant to 28 U.S.C. § 1407,  
7 the Parties will promptly notify the Court regarding the outcome of the MDL Motion, and will  
8 propose a timetable for any action with respect to the Complaint that may be required to take  
9 place in this Court.

10  
11 **IT IS SO STIPULATED**

12 Respectfully submitted,

13 Dated: September 3, 2019

GIBSON, DUNN & CRUTCHER LLP

14  
15 By: /s/ Austin V. Schwing  
Austin V. Schwing

16 Attorneys for Defendant JUUL LABS, INC.  
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18 Dated: September 3, 2019

19 FREEESE & GOSS, PLLC

20  
21 By: /s/ Pedro “Peter” de la Cerdá  
Pedro “Peter” de la Cerdá

22 Attorneys for Plaintiff NOAH VERMILLION  
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## **ATTORNEY ATTESTATION**

I, Austin V. Schwing, hereby attest that concurrence in the filing of this document has been obtained from the above signatories.

By: /s/ Austin V. Schwing  
Austin V. Schwing

## [PROPOSED] ORDER

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated:

THE HONORABLE DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE